

Federal Communications Commission

DA 03-2761

SEP 5 11 42 AM '03

Before the
Federal Communications Commission
Washington, D.C. 20554

DIS!

In the Matter of

Amendment of Section 73.622(b),
Table of Allotments,
Digital Television Broadcast Stations.
(Butte, Montana)

MB Docket No. 03-118
RM-10585

REPORT AND ORDER
(Proceeding Terminated)

Adopted: August 28, 2003

Released: September 4, 2003

By the Chief, Video Division:

1. At the request of KXLF Communications, Inc. ("KXLF"), licensee of KXLF-TV, Butte, Montana, the Commission has before it the Notice of Proposed Rule Making, 18 FCC Rcd 9520 (2003), proposing the substitution of DTV channel 5 for station KXLF-TV's paired DTV channel 15.¹ KXLF filed comments reaffirming its interest in applying for DTV channel 5, if allotted. No other comments were received.

2. We believe the public interest would be served by substituting DTV channel 5 for DTV channel 15 since it will permit KXLF to share facilities with its current NTSC operations. DTV channel 5 can be allotted to Butte, Montana, as proposed, in compliance with the principle community coverage requirement of Section 73.625(a) at coordinates 46-00-27 N. and 112-26-30 W. Since the community of Butte is located within 400 kilometers of the U.S.-Canadian border, concurrence from the Canadian was obtained for this allotment. In addition, we find that this channel is acceptable under the 2 percent criterion for *de minimis* impact that is applied in evaluating requests for modification of initial DTV allotments under Section 73.623(c)(2) for Station KXLF-DT with the following specifications:

| <u>State & City</u> | <u>DTV Channel</u> | <u>DTV power (kW)</u> | <u>Antenna HAAT (m)</u> | <u>DTV Service Pop. (thous.)</u> |
|-------------------------|------------------------|---------------------------|-----------------------------|--------------------------------------|
| MT Butte | 5 | 10.7 | 588 | 149 |

3. Accordingly, pursuant to the authority contained in Sections 4(i), 5(c)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Sections 0.61, 0.204(b) and 0.283 of the Commission's Rules, IT IS ORDERED, That effective October 20, 2003, the DTV Table of Allotments, Section 73.622(b) of the Commission's Rules, IS AMENDED, with respect to the community listed below, to read as follows:

¹ In its petition for rule making, KXLF states that the adoption of its channel substitution proposal will permit KXLF to share certain transmission equipment and facilities with KXLF's current NTSC operations. It also claims that this sharing will reduce KXLF build-out and operating costs.

CityChannel No.

Butte, Montana

5, 19c, 33

4. IT IS FURTHER ORDERED, That within 45 days of the effective date of this Order, KXLF Communications, Inc. shall submit to the Commission a minor change application for a construction permit (FCC Form 301) specifying DTV Channel 5 in lieu of DTV Channel 15 for station KXLF-DT.

5. IT IS FURTHER ORDERED, That this proceeding IS TERMINATED.

6. For further information concerning this proceeding, contact Pam Blumenthal, Media Bureau, (202) 418-1600.

FEDERAL COMMUNICATIONS COMMISSION

Barbara A. Kreisman
Chief, Video Division
Media Bureau